

## SUBCHAPTER W : EAGLE MOUNTAIN LAKE

### §284.531. Definitions.

The following words and terms, when used in this chapter, shall have the following meanings, unless the context clearly indicates otherwise:

**Commercial system** - One or more facilities used for the disposal of sewage from establishments other than private dwellings, including but not limited to marinas, motels, business establishments, restaurants, bars, schools, churches, clubhouses, resorts, etc., and not required to be operated under a permit issued by the commission.

**Commission** - The Texas Water Commission.

**District** - The Tarrant County Water Control and Improvement District No. 1.

**District supplements** - District supplements to the standards published by the Texas Department of Health.

**Eagle Mountain Lake** - The lake on the West Fork of the Trinity River in Tarrant and Wise Counties, immediately northwest of the City of Fort Worth.

**Evapotranspiration beds** - That part of a septic tank system which must consist of two or more beds with drainage pipes that utilize evaporation and transpiration for the disposal of septic tank effluent.

**Evapotranspiration system** - Any subsurface system which utilizes surface evaporation and plant transpiration for the ultimate disposal of wastewater.

**Executive director** - The executive director of the Texas Water Commission.

**Holding tank** - A vented, watertight tank designed for temporary holding of sewage and so constructed as to prevent the removal of the sewage except by pumping therefrom, for delivery to an organized disposal system.

**msl** - An abbreviation for mean sea level.

**Organized disposal system** - Any public or private system for the collection, treatment and disposal of sewage operated in accordance with the terms and conditions of a valid permit issued by the commission.

**Private sewage facilities** - All facilities, systems, and methods used for the disposal of sewage from private dwellings other than disposal systems operated under a permit issued by the commission.

**Septic tank** - A vented, watertight tank which serves as a sedimentation and sludge digestion chamber, which is placed between the house sewer and the soil absorption or evapotranspiration bed.

**Septic tank system** - A system for disposing of sewage through soil absorption or evapotranspiration, and consisting of the following components: the house sewer, the septic tank, and the soil absorption field or evapotranspiration beds.

**Sewage** - Waste that is primarily organic and biodegradable or decomposable and that generally originates as human, animal, or plant waste from certain activities, including using toilet facilities, washing, bathing, and preparing food.

**Standards** - The standards set forth in the pamphlet entitled "Construction Standards for On-Site Sewerage Facilities" and all future amendments thereto, which were adopted by the Texas

Board of Health, pursuant to Texas Civil Statutes, Article 4477-1, as Texas Department of Health rules, 25 TAC §§301.11-301.17 (relating to Construction Standards for On-Site Sewerage Facilities), effective January 1, 1988.

**Subdivision** - A subdivision which has been platted and recorded with the county clerk of the county or counties in which the land lies, or which is required by statute to be so platted and recorded; or any four or more adjoining lots or tracts, any of which is less than two acres in size.

**Substantial modification** - An alteration or series of alterations of a private sewage facility that increase the total volumetric capacity of the facility by 25% or more, or increase the flow rate into the facility, calculated in accordance with the standards, by 25% or more.

#### **§284.532. Regulated Area.**

The regulated area is the area for which these regulations apply. This area is defined as all of the area bounded by a line with all points on that line being a distance of 2,000 feet from the nearest point on the 649-foot msl contour line, measured horizontally away from the lake. The regulated area also includes all the area of the lake bed to the 649-foot msl contour line, and all islands.

#### **§284.533. Discharge of Sewage Within the Regulated Area.**

All sewage disposal within the regulated area shall be in accordance with one of the following types of authorizations:

- (1) sewage discharged into an organized waste disposal system or other facility operating under a valid permit issued by the commission;
- (2) sewage discharged into private sewage facilities or commercial systems licensed in accordance with the regulations contained in this subchapter;
- (3) sewage discharged into a private sewage facility or commercial system existing on the effective date of this subchapter, for so long as such private sewage facility or commercial system is operating properly and is not causing nuisance conditions or pollution or a threat to public health, or has not been substantially modified since such date; or
- (4) sewage removed from boats and other watercraft in accordance with §§321.1-321.18 of this title (relating to Boat Sewage Disposal) and the District's July 15, 1986 Ordinance, Article VI, covering disposal of waste from watercraft.

#### **§284.534. Licensing Functions.**

The Tarrant County Water Control and Improvement District No. 1 is designated by the commission as having the duty to perform, and the necessary powers to meet, all requirements of this subchapter, including the licensing and enforcement functions. The district's powers include, but are not limited to, making reasonable inspections of all private sewage facilities and commercial systems located or to be located within the regulated area and collecting all fees necessary to recover all the costs incurred in meeting the requirements of this subchapter.

**§284.535. Licensing Requirements for New Private Sewage Facilities and New Commercial Systems.**

(a) Private sewage facilities and commercial systems installed after the effective date of this subchapter within the regulated area must meet the following requirements.

(1) Construction. A permit for construction must be obtained from the district before the construction of these facilities or systems commences. A license to operate will be issued after satisfactory completion and verification of construction.

(2) Residential Lot Sizing.

(A) Platted subdivisions served by a public water supply. Subdivisions of single family residences platted after the effective date of this subchapter, and served by a public water supply but utilizing individual subsurface absorptive methods for sewage disposal, shall provide for individual lots having surface areas of at least one-half acre or large enough to have a duplicate system, whichever is greater.

(B) Platted subdivisions served by individual water systems. In subdivisions platted after the effective date of this subchapter for single family residences where each lot maintains an individual water supply well and sewage treatment system with a soil absorption system, the plat shall show the approved well location and a sanitary control easement around the well within a 150-foot radius in which no absorptive type sewerage system may be constructed. To minimize the possibility of the transmission of waterborne diseases due to the pollution of the water supplied for domestic use, each lot in a platted subdivision shall not contain less area than one acre or be large enough to have a duplicate system, whichever is greater.

(C) Any lot or tract platted or recorded on or prior to the effective date of this subchapter must contain at least 10,000 square feet above the 649-foot msl contour line used to establish the regulated area.

(D) Where multiple dwelling units are involved, the district shall determine the increased lot size necessary for a septic tank system or other private sewage facility to function properly.

(b) All private sewage facilities and commercial systems to be installed or constructed after the effective date of this subchapter must conform to the "Standards" and the district supplements. These standards are available from either of the following Tarrant County Water Control and Improvement District No. 1 offices. Tarrant County Water Control and Improvement District No. 1, 800 East Northside Drive, P. O. Box 4508, Fort Worth, Texas 76106-0508, Telephone: (817) 335-2491; or Eagle Mountain Lake Superintendent, Tarrant County Water Control and Improvement District No. 1, Route 10, P. O. Box 622, Fort Worth, Texas 76135, Telephone: (817) 237-3303.

(c) Terms and procedures for license of new private sewage facilities and commercial systems are as follows.

(1) Any license for private sewage facilities and commercial systems issued under the authority of these sections will be for an indefinite period and may be transferred without fee to a succeeding owner provided the new owner applies to the district and provided the private sewage facility has not been substantially modified.

(2) Application forms for a permit to construct either a private sewage facility or a commercial system may be obtained from the district. In order to initiate an application, a completed application form together with the appropriate fee shall be filed with the district.

(3) The district will cause to be performed such inspections and tests as may be deemed necessary as soon as practicable. After such inspections and tests and upon a finding by the district that construction can commence, a permit for construction will be issued.

(4) Upon a finding by the district that a private sewage facility or commercial system construction permit cannot be issued, the applicant shall be notified in writing within 30 days of that finding. The notification shall include the nature of the faults which prevent the issuance of a permit.

(5) After construction, and upon a finding by the district that the private sewage facility or commercial system has been properly constructed, and that the use of same will not cause pollution or injury to the public health and is not in conflict with the terms and conditions of this subchapter, and upon payment of appropriate fees, a license to operate the system will be issued.

(6) Upon finding by the district that operation of the private sewage facility or commercial system cannot be licensed, the applicant shall be so notified in writing within 30 days of that finding. The notification shall include the nature of the faults which prevent licensing.

**§284.536. Approval of Subdivision Plans for Private Sewage Facilities and Commercial Systems.**

(a) Any developer or other person interested in creating a subdivision using private sewage facilities and/or commercial systems, must obtain approval from the district of his plan for sewage disposal, if all or part of the subdivision will be located in the regulated area. He must fulfill the following requirements:

(1) A plat of the proposed subdivision must be filed with, approved by, and recorded by the county commissioners court of the county in which it is located.

(2) An application for approval of the subdivision sewage disposal plan and appropriate filing fee shall be submitted to the district.

(3) The developer shall inform each prospective buyer in writing:

(A) that a subdivision is subject to all of the terms and conditions of these regulations;

(B) that a permit for construction will be required before any private sewage facility or commercial system can be constructed in the subdivision;

(C) that a license will be required for the operation of such a private sewage facility or commercial system; and

(D) that a sewage disposal plan has been filed for the subdivision and that the areas suitable for private sewage facilities or commercial systems have been defined.

(4) If an investigation pursuant to this section reveals that a lot is not suitable for use of private sewage facilities or commercial systems, the prospective buyer shall be notified in writing.

(b) The district will cause to be prepared a percolation test profile of the entire subdivision, consisting of percolation tests of a representative number of proposed lots or tracts (as defined and approved by the district) to determine whether the subdivision can be served with private sewage facilities. These tests will be at the expense of the developer.

(c) By direction of the district, all or part of the tests may be performed by an engineering firm, soils testing laboratory, registered professional sanitarian, or similarly qualified person, with prior approval by the district. At the developer's request, such tests may be performed by the district with the district charging the developer as specified in §284.542 of this title (relating to Fee Schedule). The district will notify the developer of the findings of its examination and will point out any deficiencies in the plan for sewage disposal. Specifically, the district will notify the developer of any areas not suitable for use of private sewage facilities and whether the proposed developmental density is consistent with the use of private sewage facilities. Approval of a subdivision plan for sewage disposal does not constitute a license for a specific private sewage facility. An approved plan is, however, a prerequisite for obtaining a private sewage facility license in a subdivision.

**§284.537. Existing Private Sewage Facilities and Existing Commercial Systems.**

(a) Private sewage disposal facilities and commercial systems existing within the regulated area on the effective date of this subchapter, are not required to be licensed provided the facilities and systems are not causing pollution or injury to public health.

(b) Any existing facility or system found by the district at any time to be functioning improperly or not in accordance with the applicable Texas Department of Health standards or in such a manner as to cause nuisance conditions, pollution, or a threat to public health shall be improved or replaced by the owner, and shall be licensed as a new facility or system following the procedures prescribed in §284.535 of this title (relating to Licensing Requirements for New Private Sewage Facilities and New Commercial Systems). The owner of such malfunctioning facility or system must take steps prescribed by the district to immediately alleviate problems caused by the malfunctioning facility or system, and must submit an application for either a permit to construct a new facility or system, or a permit to construct improvements to the malfunctioning facility or system within 30 days after receipt of written notification by the district that the existing facility or system is functioning improperly.

(c) Any owner wishing to modify an existing facility or system in any manner must notify the district 72 hours prior to such modification. If an owner of an existing facility or system desires on his own initiative to substantially modify such existing facility or system, he must obtain a permit to construct and license to operate such modified facility or system following the procedures prescribed in §284.535 of this title (relating to Licensing Requirements for New Private Sewage Facilities and New Commercial Systems). Routine maintenance and repair of existing facilities may be accomplished without obtaining a permit or license.

**§284.538. Connection of Private Sewage Facilities and Commercial Systems to Organized Waste Collection, Treatment, and Disposal Systems.**

It is the policy of the legislature and the commission to encourage the development and use of organized waste collection, treatment, and disposal systems to serve the waste disposal needs of the citizens of the state and to prevent pollution and maintain and enhance the quality of the water in the state. In order to implement this policy in the regulated area, the commission makes the following requirements.

(1) No license shall be issued for any private sewage facility or commercial system when any part of the facility or system is closer than 300 feet in horizontal distance to an existing organized disposal system with the service capability. The private sewage facility or commercial system shall be connected to the organized system unless the district determines that it is not technically or economically feasible or that water quality protection would be better served by the private sewage facility or commercial system.

(2) Whenever an organized system with service capability is developed within 300 feet in horizontal distance from any part of a private sewage facility or commercial system, that facility or system shall be connected to the organized system unless the district determines that it is not technically or economically feasible or that water quality protection would be better served by the private sewage facility or commercial system.

**§284.539. Terms and Conditions for Granting Exceptions.**

The Commission intends that these sections shall be enforced but realizes that certain individual situations may require the granting of an exception to requirements contained in this subchapter so that hardships may be avoided. Therefore, the following terms and conditions are established.

(1) Any person desiring an exception shall file an application with the district for its analysis of the specifics of the situation.

(2) The district shall make the necessary review and within 60 days either grant or deny the application. If an exception is denied, a statement setting out the reasons for the district's decision and corrective measures, if any, could be undertaken to obtain licensure, shall be furnished.

**§284.540. Terms and Conditions of Appeal.**

(a) The commission intends that any disputes concerning the application of this subchapter to individual situations be negotiated to conclusion between the district and the individuals involved, if possible. However, any person aggrieved by an action or decision of the district may appeal to the executive director of the commission, if the following terms and conditions are met.

(1) All of the appropriate steps required of the aggrieved person by the terms and conditions of this subchapter have been met.

(2) The aggrieved person has made a conscientious effort to resolve his problems with the district.

(b) Appeal is properly made by the aggrieved party by filing a written statement stating with specificity the nature of the grievance. This statement is to be filed with the executive director of the commission at the following address with a copy of the statement sent to the district: Executive Director, Texas Water Commission, P. O. Box 13087, Austin, Texas 78711-3087, Telephone: (512) 463-7898. The executive director will notify the district that an appeal has been filed and will either affirm, reverse, or modify the decision of the district.

**§284.541. Enforcement.**

(a) Criminal penalty (Texas Water Code, §26.214).

(1) A person who violates any provision of this subchapter is guilty of a misdemeanor and on conviction is punishable by a fine of not less than \$10 nor more than \$200. Each day that a violation occurs constitutes a separate offense.

(2) Jurisdiction for prosecution of a suit under this section is in the Justice of the Peace Courts.

(3) Venue for prosecution of a suit under this section is in the Justice of the Peace precinct in which the violation is alleged to have occurred.

(b) Civil Penalty. A person who violates any provisions of this subchapter is subject to an injunction by court order and to a civil penalty for each act of violation and for each day of violation, to be recovered as provided in the Texas Water Code, Chapter 26.

(c) Revocation or Suspension of Licenses. Licenses issued under the authority of this subchapter may, for good cause, be revoked or suspended by the district. Prior to any action on the proposed revocation or suspension the licensee must be given reasonable written notice of the proposed action and be given an opportunity for a hearing. Owners of facilities for which licenses are revoked or suspended must immediately stop discharging sewage into such facilities upon written notification by the district.

**§284.542. Fee Schedule.**

The authority shall establish a fee schedule for the private sewage facilities regulatory program around Eagle Mountain Lake and maintain a copy of such fee schedule at the district's offices for inspection by the public. Such fee schedule shall set reasonable fees for services performed by or at the direction of the authority and may, subject to applicable laws, be amended by the district from time to time.

**§284.543. Severability Clause.**

If any provision of this subchapter or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the subchapter and of the application of such provision to other persons and circumstances shall not be affected thereby.